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SPECIFIC GROUPS AND INDIVIDUALS: MASS EXODUSES AND DISPLACED PERSONS

Report of the Representative of the Secretary-General on internally displaced persons submitted in accordance with Commission resolution 2001/54

Addendum

Profiles in displacement: Indonesia*

* The executive summary of this mission report is being circulated in all official languages. The report itself is contained in the annex to the executive summary and is being circulated in the language of submission only.

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Executive summary

Internal displacement is a relatively new phenomenon in Indonesia. Indeed, the displacement crisis, which now affects some 1.3 million people in 19 provinces, should be viewed against the background of the profound changes that the country has undergone since 1998.

The Representative of the Secretary-General on internally displaced persons, Francis M. Deng, undertook an official visit to Indonesia from 24 to 29 September 2001. The main objectives of the mission were to obtain first-hand information on the situation of displacement in the country and to initiate a constructive dialogue with relevant authorities directly responsible for the adoption and implementation of policies and programmes related to the assistance and protection needs of internally displaced persons.

The causes of displacement in Indonesia are complex, but are mainly associated with "vertical" conflicts (i.e. those between the Government and local separatist groups) and "horizontal" ones (i.e. those between religious or ethnic groups). Natural disasters have also played a role.

The Government of Indonesia acknowledges its primary responsibility for addressing the problems of its internally displaced persons, and is working with the international community to put in place appropriate programmes to meet their needs for protection as well as assistance. Also acknowledging difficulties in terms of administrative coordination and responsibility, the Government has recently adopted a national policy which it hopes will guide it to resolve the problem of internal displacement by the end of 2002. In the view of the Representative, that timetable seems unduly optimistic.

The mission of the Representative of the Secretary-General had originally been scheduled to coincide with a seminar on internal displacement in Indonesia. The seminar was held despite the postponement of the mission, and its results were useful to the Representative. One of its main recommendations, and one which received broad support, was for the establishment of a national commission on internally displaced persons and community recovery. The Representative urges the Government to give serious consideration to this recommendation. The seminar also noted the need for improved data collection, compilation and verification at all levels and for a national database on the internally displaced.

NGO and humanitarian personnel should be seen by the Government as allies, not adversaries. They should be able to report human rights abuses to the authorities without having to fear for their own safety. Their physical integrity must be ensured. In this regard, the Representative recalls with sorrow the deaths of three UNHCR staff members killed by militiamen in East Timor. Having expressed concern, along with the Secretary-General, at the light sentences pronounced against the six men found guilty of this crime, the Representative has learned that the Supreme Court of Indonesia increased the sentences of three of them.

The Representative urges the Government to disseminate the Guiding Principles on Internal Displacement, which have already been translated into Bahasa, and to provide training in basic international humanitarian and human rights law to the relevant authorities, their local partners, and the displaced themselves.

In aiding the displaced, the Government should take pains to ensure that they are not perceived by the local communities as receiving favoured treatment.

The Indonesian Commission on Human Rights (Komnas Ham) is encouraged to become a more active partner in the collaborative approach to addressing the needs of the internally displaced.

Given the magnitude of the problem and the resources needed, the role of the international community is crucial. With the Humanitarian/Resident Coordinator as focal point, the international community should expand its assistance programmes while taking into account the concomitant need for protection. A comprehensive strategy in this regard should be elaborated, in concert with the competent Indonesian authorities, which might include the possibility of maintaining a presence in communities affected by or at risk of displacement. The Office of the High Commissioner for Human Rights should consider playing a more active role with regard to the internally displaced in Indonesia, and all international staff should be trained in the use and application of the Guiding Principles, as well as basic international and humanitarian law.

The Government of Indonesia is to be commended for the forthright and resolute manner in which it has acknowledged and addressed the problem of displacement in the country. With the help of the international community, and in consultation with the displaced populations, it is to be hoped that "patterns", or options, proposed in the new national policy will be implemented with full regard for humanitarian values and the principles of international law.

Appendices to the report contain a map of Indonesia, a statistical breakdown by province of internally displaced persons, and the text of the Government's new "National policies on the handling of internally displaced persons/refugees in Indonesia".

Annex

REPORT OF THE REPRESENTATIVE OF THE SECRETARY-GENERAL ON INTERNALLY DISPLACED PERSONS SUBMITTED IN ACCORDANCE WITH COMMISSION RESOLUTION 2001/54

PROFILES IN DISPLACEMENT: INDONESIA

CONTENTS

		Paragraphs	Page
Introduction		1 -13	5
I.	CONTEXT AND GENERAL OVERVIEW	14 - 19	8
II.	NUMBER AND CONDITIONS OF INTERNALLY DISPLACED PERSONS	20 - 30	10
III.	GOVERNMENT POLICY AND ASSISTANCE PROGRAMMES FOR INTERNALLY DISPLACED PERSONS	31 - 49	13
	A. The role of Government and State institutions at the central and regional/local levels	31 - 40	13
	B. The role of the international community	41 - 49	16
IV.	CONCLUSIONS AND RECOMMENDATIONS	50 - 77	18

Appendices

I.	Map of Indonesia	27
II.	Internally displaced persons in Indonesia, by province	28
III.	National policies on the handling of internally displaced persons/refugees in Indonesia	29

Introduction

1. Internal displacement is a relatively new phenomenon in Indonesia. Indeed, the displacement crisis, which now affects some 1.3 million people, should be viewed against the background of the profound changes that the country has undergone since 1998. With the resignation of President Suharto (who ruled for 32 years), dramatic events have taken place: transition to a democratic system of government, decentralization, military reform (although the military remains the most influential force in the country), the independence of East Timor, and renewed separatist movements. These major changes, coupled with the 1997-1998 economic crisis and experimentation with a more open society, helped to ignite existing tensions among different ethnic and religious groups throughout the country, which in turn produced major displacement. In general terms, most of the displacement is due to intercommunal, inter-ethnic and/or religious fighting between Christian and Muslim groups. These are referred to as "horizontal" conflicts. However, in the provinces of Aceh and Papua (formerly Irian Jaya), displacement is due to fighting between Indonesian security forces and separatist rebels (GAM-Free Aceh Movement and OPM-Free Papua Movement), who are seeking independence from Indonesia. These are considered to be "vertical" conflicts.

2. The Suharto Government's transmigration programmes (begun in the 1960s) are today a major cause of tension between different ethnic groups. These programmes relocated persons from more crowded islands to outer islands and sought to spread Javanese culture throughout the archipelago and to develop underdeveloped areas. One of their major consequences was to affect the demographic balance between different ethnic groups in different areas and consequently to cause economic and political competition over scarce resources and, ultimately, violence.

3. Perhaps the most outstanding aspect of Indonesia's problems is the size and configuration of the country. The fourth most populous nation in the world, Indonesia contains some 500 ethnic groups who speak over 500 distinct languages and dialects.[1] Internal displacement today affects more than 18 provinces in this expansive archipelago encompassing some 17,508 islands (over 3,000 of which are inhabited).[2] Most of the displacement* is located in the provinces of Maluku and North Maluku (466,409 persons) followed by Sulawesi Island (287,044) and Java (186,806). However, internally displaced persons are also found in West Kalimantan (58,544), on the islands of Sumatra (52,647), Papua (16,600), Riau (3,135) and Bali (2,974). For detailed figures, see paragraph 23 below and appendix 2.

4. Although the response of the Government and the international community varies from province to province and with the nature of the conflict causing the displacement, the conditions of the internally displaced persons in the country are generally reported to be poor. Internally displaced persons living in makeshift camps are in need of shelter, food, medicine and proper sanitation. Long-term solutions are also needed for those living with families and friends. Further, issues of land and property belonging to internally displaced persons need to be resolved. Protection problems need also to be addressed, as they are severe in areas of

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* The figures given are estimates.

intercommunal conflict and where the two separatist movements operate. There is a particularly serious problem of many children lacking documents, which impedes their access to schooling. Other issues involving children are whether food assistance programmes target their particular nutritional needs and whether they are adequately protected from recruitment by armed groups.

5. It was in the wake of the mounting crisis of internal displacement that the Representative of the Secretary-General on internally displaced persons, Francis M. Deng, undertook an official visit to the country from 24 to 29 September 2001. A Human Rights Officer of the Office of the High Commissioner for Human Rights (OHCHR) accompanied the Representative. In the country, the mission was assisted by the Chief and the Deputy Chief of the Office for the Coordination of Humanitarian Affairs (OCHA). Representatives of OCHA Indonesia, as well as representatives of the Ministry for Foreign Affairs and Bakornas PBP,[3] attended most of the meetings and accompanied the delegation to the field.

6. The main objectives of the mission were to obtain first-hand information on the situation of displacement in the country, and to initiate a constructive dialogue with relevant authorities directly responsible for the adoption and implementation of policies and programmes related to the assistance and protection needs of internally displaced persons. The programme of the Representative included consultations with central authorities in Jakarta and with senior government officials with direct responsibility for internally displaced persons. The Representative met with the Vice-President of Indonesia, who also is the Chair of the National Coordination Agency for Disaster Management and the Handling of Internally Displaced Persons (Bakornas PBP), the Coordinating Minister for People' s Welfare, the Minister of National Education, the Minister of Justice and Human Rights, the Minister for Women' s Empowerment, the acting Director General for Political Affairs of the Ministry for Foreign Affairs, the Minister of Home Affairs and Regional Autonomy, the Minister of Manpower and Transmigration, the Director General of Population Mobility of the Ministry of Manpower and Transmigration, the Minister of Health, the Director General for Housing and Human Settlement of the Department of Settlement and Regional Infrastructure, the Vice-Secretary of Bakornas PBP, members of the Coordinating Board for Emergency Assistance and Disaster Relief and IDP Affairs of Bakornas PBP, and technical staff of Bakornas PBP. The Representative also met with the Chairman and one board member of the Indonesian National Commission on Human Rights (Komnas Ham),[4] with the United Nations Humanitarian/Resident Coordinator, the heads of the United Nations humanitarian and development agencies and programmes, and representatives of several donor countries and of national and international non-governmental organizations assisting internally displaced persons. A meeting with the Minister for Foreign Affairs, who had been outside the country during the mission, was held in New York on 15 November 2001, when the Representative shared the results of his mission, in particular his preliminary observations on the situation of internal displacement in Indonesia.

7. Prior to his visit, in accordance with standard practice for his country missions the Representative had requested the Government to allow him to conduct field visits to a number of sites where groups of internally displaced are located. Initially, the Government expressed concern about field visits for various reasons, including the security situation, but eventually agreed to facilitate the Representative's access to one such location, at Pontianak, in West Kalimantan. The visit which took place on 27 and 28 September. In Pontianak, the Representative met with the Vice-Governor and representatives from various government

departments and offices. Separate meetings were also held with the Regional Military Commander of the Indonesian Defense Forces (TNI), representatives of organizations assisting the Dayak and Malay communities, and representatives of international and national non-governmental organizations working in the province. (Although the internally displaced whom the Representative met in the camps were all from the Madurese community, no representatives of this group were included in the meeting organized by the provincial authorities; since the complaints of those present were directed almost entirely against the Madurese, the authorities perhaps excluded them to avoid tension and potential aggravation of the situation.) The Representative visited a temporary camp set up at Pangsuma Sports Hall and barracks in the surrounding area where he had the opportunity to see the living conditions of the internally displaced and to talk with them. Accompanied by representatives of several national and international non-governmental organizations, including individuals who were most vocal on behalf of the displaced Madurese, the Representative visited a relocation site at Sungai Asam where displaced Madurese went to be resettled.

8. The Representative was also invited by Aksara, a research institution in Jakarta, to give a lecture on "The global problem of internal displacement". Participants in this event included academics, representatives of local organizations, students and the media.

9. The Representative also took the opportunity of his visit to discuss with the authorities and other partners the recommendations made at the seminar on internal displacement held in Jakarta on 26 and 27 June 2001. The seminar was co-sponsored by The Brookings Institution - City University of New York (CUNY) Project on Internal Displacement, the Center for Research on Inter-Group Relations and Conflict Resolution (CERIC) of the Faculty of Social and Political Sciences of the University of Indonesia, the National Commission on Human Rights (Komnas Ham), OCHA, the United Nations Development Programme and the Office of the United Nations High Commissioner for Refugees. The report of the seminar (E/CN.4/2002/95/Add.3) should be read in conjunction with the present report.

10. During his mission to Indonesia the Representative, as he does on all his country missions, emphasized his general approach, which is based on respect for State sovereignty while bearing in mind that the problem of internal displacement is by definition internal, and that it is the responsibility of sovereign States to ensure the security and well-being of all populations under their jurisdiction. At a minimum, States should guarantee the fundamental human rights to physical security and access to nutritional food and potable water, shelter, clothing, and basic health and sanitation services. Governments are expected to invite, or at least accept, international support if they lack the capacity to fully discharge their responsibilities to provide protection and assistance. Based on the twin premises of respect for national sovereignty and the responsibilities that it entails, the Representative's dialogue with Governments and other authorities is intended to be cordial and constructively candid, in pursuit of the common goal of durable solutions to the plight of the internally displaced. It is also in this light that the Representative recommends measures to be undertaken by the national authorities and the international community to address the situation more effectively.

11. At the time the mission took place, the Government was in the process of reassessing the displacement problem in the country and developing a comprehensive policy for addressing the crisis decisively. Although the prospective policy had not yet been fully formulated, it was

widely understood that the Government wanted to end internal displacement in the shortest possible time. The options being considered included: return of the displaced to their areas of origin; facilitating their integration into existing communities; and resettlement of those who wanted to relocate to alternative areas. While the Representative agreed with these options, he emphasized the importance of consulting the displaced persons, in particular to determine their needs and their aspirations, and allowing flexibility with respect to time to allow the appropriate infrastructure to be put in place, whichever option was chosen. The displacement problem can be solved only if safe and sustainable conditions are created and the displaced participate voluntarily.

12. The Representative also stressed the importance of addressing the situation of internally displaced persons in a comprehensive and well-coordinated manner - both at the central and at the provincial/local levels. In a constructive and cooperative spirit, he encouraged the Government to enhance the national response to internal displacement with the support of, and in close collaboration with, the United Nations agencies, international and national non-governmental organizations and the donor community. The Representative also noted that displacement is not only a symptom of the conflicts that generate it, but also of the deeper roots of those conflicts. Lasting and peaceful solutions to the conflicts that underlie the displacement crisis should be found.

13. The present report contains background information about the general situation of internal displacement in the country, information on the response to the problem by different actors in the country, and recommendations by the Representative to improve the response to the needs of the internally displaced population. The Representative trusts that the open and candid dialogue initiated with the authorities on behalf of the internally displaced will continue and will be of assistance to the Government in addressing the situation of internal displacement in the country.

I. CONTEXT AND GENERAL OVERVIEW

14. Indonesia is a large archipelago with a multi-ethnic population. It has the fourth largest population in the world, estimated at 210 million persons. The national language is Bahasa, but several other local languages and dialects continue to be spoken throughout the country. Although it has the largest Muslim population of any country, Indonesia is a secular State and it is estimated that around 30 per cent of Indonesians practise a different religion. The country is administratively divided into 27 provinces, which in turn are divided into smaller administrative regions and village communities (243 districts and 55 municipalities). A major medium-/long-term political and administrative decentralization process, under way since early 2001, aims at providing regional political and administrative autonomy after long years of centralized authoritarian rule. The decentralization process also aims to enhance national unity in a system that is characterized by regional and local diversity. The responsibility for delivering official assistance to the internally displaced persons is also being decentralized and delegated to the regional and local governments.

15. The crisis of internal displacement in Indonesia has emerged mainly during the last three years, as a result of major political, economic and social changes following the resignation of President Suharto in 1998 and the independence of East Timor, which the Representative

visited in 2000 (see E/CN.4/2000/83/Add.3). It is against this background that the country has also seen renewed separatist movements in Aceh and Papua and a series of interreligious and inter-ethnic conflicts that have erupted in several parts of the country, causing the displacement of a large number of people.

16. The causes of displacement in Indonesia are complex but are mostly associated with conflicts which are usually classified as "vertical" or "horizontal" conflicts. Vertical conflicts are those between the Government and local separatist groups, such as in Aceh and Papua, and horizontal conflicts are between different religious or ethnic groups, such as in the Malukus, West and Central Kalimantan, Madura and Sulawesi. In addition, natural disasters have also caused displacement in at least two provinces, North Sumatra and North Sulawesi.

17. The origins of intercommunal conflict in Indonesia go back in some cases to the Government's earlier transmigration policy that aimed at "improving the welfare of the transmigrant and neighbouring communities, increasing and equally spreading the development in the region and strengthening the national unity".[5] From 1950 to 1994, the transmigration programme moved more than 6.4 million people from heavily populated islands like Java, Bali and Madura to less populated islands like Sumatra, Kalimantan, and Irian Jaya.[6] Financially supported by the World Bank the transmigration programme offered landless families attractive packages that included a plot of land, housing facilities, seeds, fertilizer, farming implements, food for a certain period of time and other benefits.

18. While this voluntary resettlement programme had some positive results, it also created socio economic and political differences between the resettled and local populations, who were often of different ethnic groups and religions, generated conflicts over land and other natural resources and damaged the environment. In other places, conflicts arose from competition between powerful political and economic groups in which religious differences were used to spread distrust between different ethnic and religious groups. Indeed, passive prejudice was transformed into violent aggression, exacerbated in the Malukus by the fundamentalist armed group, Laskar Jihad, characterized by strong feelings of intolerance towards members of other groups. Conflicts overflowing from other regions seem also to have exacerbated some of the intercommunal conflicts.

19. Vertical conflicts between separatist groups and the military in Aceh and Papua have been accompanied by especially severe human rights abuses and indiscriminate attacks against the civilian population, which often is caught, or fears being caught, between the various warring parties. In Aceh in particular, the military has been criticized for use of disproportionate force and abuses against civilians, especially after its soldiers have been attacked. On the other islands the military and the police have been criticized for their inability to stop the violence between ethnic and religious groups, for taking sides with one group or another, as in the Malukus, and for failing to prevent displacement. There have also been allegations that the army, long the most powerful force in the society, has been fomenting a climate of unrest throughout the country in order to demonstrate the need for a strong military to restore order and to influence the debates on reforming the army and limiting its role and functions.[7] Control of natural resources in some provinces has also been a cause of clashes between the Government and local groups and between groups, in particular between transmigrants and the local population.

II. NUMBER AND CONDITIONS OF INTERNALLY DISPLACED PERSONS

20. Both official and United Nations figures record a rapid and disturbing increase in the number of internally displaced persons in recent years. According to official data,[8] the estimated number of displaced persons in the country is 1,337,503 persons (286,944 households). Most of the 27 provinces are affected. On 8 September 2001, the World Food Programme had on its register of beneficiaries of assistance, 1,317,234 internally displaced persons, some 38,580 more than a month earlier. Of the 1.3 million internally displaced persons, 750,000 are estimated by the United Nations to be under 18 years of age.[9] Although data disaggregated by sex or age are not available, it is thought that the vast majority of the internally displaced are women and children.

21. The United Nations estimates that only 50 per cent of internally displaced persons live in camps or shelters while the other 50 per cent live either with host families or have found their own accommodation. In Indonesia, local communities very often provide mechanisms for looking after the most vulnerable.[10] Although the Representative did not visit internally displaced persons residing in private accommodations, the prevailing view is that there is an equal need for such persons and their host families and communities to receive assistance.

22. The registered internally displaced persons fall into four main categories: those displaced by natural disasters (North Sumatra, North Sulawesi); those displaced by religious conflicts that erupted into violence (the Malukus, Central Sulawesi); those displaced by ethnic conflicts that turned violent (Central and West Kalimantan); and displacement with separatist movements (Aceh and Papua) (see appendix II). These affected people all fall within the definition of internally displaced persons as set forth in the Guiding Principles on Internal Displacement: "persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border".

23. Despite the lack of detailed information and the opportunity to visit camps throughout the country, it is clear to the Representative that the living conditions of the 1.3 million internally displaced persons in Indonesia can be very hard. Very often they face deprivation and hardship, and in areas inaccessible for security reasons, malnutrition and disease have been reported. In some cases, the displaced face discrimination. Having lost most of their possessions and their sources of income, they often find themselves with limited - if any - opportunities for income-generating activities. In some places, especially where resources have been strained, they have begun to be stigmatized by local populations as problematic social groups, "lazy" and dependent on government and external aid.

24. Although assistance to the internally displaced persons varies from province to province, in general, it is believed that many displaced have at least at some point benefited from some emergency food and shelter, some essential medical services, potable water, sanitation services, clothing and other non-food items, provided in part by the Government and in part by national

and international humanitarian organizations. In some areas of the country, internally displaced persons have also received assistance for their relocation in new residential areas in the form of construction materials and assistance. Indeed, until December 2001, the Government had a policy of providing internally displaced persons with a daily subsistence allowance in cash of Rp 1,500 (equivalent to about US$ 0.14)[11] and 400 grams of rice per person per day.[12] However, in Pontianak, internally displaced persons told the Representative that the payment of their daily subsistence allowance in cash had been delayed for several months. Local officials later confirmed this. In other cases too, aid did not always seem to reach the displaced. The Representative was alerted to the fact that there were often considerable gaps between official reports about conditions and the reality faced by the internally displaced. In North Sumatra, where OCHA carried out a fact-finding mission in November 2001, more than 49,000 Javanese displaced from Aceh were scattered throughout the province in camps, rented houses and host communities. Water, sanitation and health services were reported to be in critical condition. Most displaced children could not attend school because of high tuition fees. Government assistance was reportedly limited, and no international humanitarian agency is present there.

25. In Pontianak, approximately 58,544 persons (11,255 households) of Madurese origin from Sambas, had been displaced for about two years. Ethnic clashes between Madurese, on the one hand, and Dayaks and Malays, on the other, seemed to have arisen from the earlier transmigration policy and to have descended into some of the worst violence and atrocities. The Muslim transmigrants from Madura were seen as having been economically favoured over the native Dayaks, who are Christians. The conditions of most of the internally displaced living in camps in Pontianak were difficult. As noted above, the displaced in these camps told the Representative that they had encountered delays in the distribution of their allowance money and that they very often faced obstacles in accessing basic services. The Representative was able to see the resourcefulness of the internally displaced persons in Pontianak. Even when government assistance was not regularly made available, they managed to find jobs nearby and to subsist on their own income.

26. The protection concerns of the internally displaced living in camps in West Kalimantan were also brought to the attention of the Representative. In a number of instances, the displaced Madurese had been threatened by local people. The Representative was also informed by the authorities that the security conditions would not allow the internally displaced Madurese in West Kalimantan to return to their places of origin, and that the authorities had therefore identified a place for their relocation, which would be completed by the end of December 2001.

27. Relocation, however, also raised problems, in particular, concerns about forced relocation. The Representative urged the relevant authorities to ensure that the internally displaced would be consulted and relocated only on a voluntary basis. The Representative visited the proposed relocation site in Sungai Asam and found conditions to be harsh. Small wooden houses, a school and a police post had been built by a private contractor on land that was mostly covered with large tree stumps. The clearing of the land would require heavy machinery, but there were no current plans to make such machinery available to those being relocated. The soil was not ready for farming, even though some families who had already moved there had attempted to grow corn. Access to the site was only by boat, an issue that raised valid concerns

for the internally displaced. Several explained to the Representative that they did not want to go to that site because they would not be able to continue their current economic activities. This was important to them because it had been made clear that they would only receive government assistance for a short time. Some non-governmental organizations told the Representative that they had had consultations with the local authorities on behalf of the affected internally displaced communities and, as a result, the Government had agreed to look into a subsidized transportation system, as well as the provision of land titles. Information received at the time the report was being completed indicates that the Government had offered a one-time payment of Rp 2.5 million (about US$ 250) in cash, in addition to a house and a plot of land, to those who agreed to move to Sungai Asam and a one-time payment of Rp 5 million (about US$ 500), to those who agreed to move to other, unspecified areas.

28. In other areas, especially in the provinces affected by separatist conflicts, the Representative was informed that humanitarian assistance was often impeded by the lack of minimum security conditions and of access to displaced populations by humanitarian organizations. Indeed, access to most conflict areas is limited or non-existent. The Indonesian Red Cross (PMI), with the support of the International Committee of the Red Cross (ICRC), is one of the few organizations that has access to Aceh and Papua and is providing humanitarian assistance, helping with the reunification of separated family members and, at times, evacuating civilians to safe places. Humanitarian staff have also been harassed in some areas where security forces are reported to view humanitarian organizations working in conflict areas, as well as the civilian population, with suspicion and distrust. A clear example of the risks involved is the incidents that occurred in Atambua, West Timor, where three UNHCR staff were killed by East Timorese militiamen in September 2000. The United Nations subsequently withdrew all its staff and, at the time of the mission, security conditions that would enable the United Nations to consider redeploying its staff had not been met.

29. Since the Representative's mission, the number of displaced persons has increased because of ongoing conflicts. In Central Sulawesi, for example, fighting between Muslim and Christian groups in November 2001 reportedly resulted in the deaths of at least seven people, the destruction of hundreds of houses and the displacement of at least 10,000. The troops and police deployed to the area failed to halt the violence, which involved at least 1,000 armed persons. Owing to the security concerns, the distribution of food and cash was delayed, although the ICRC managed to distribute medical supplies through the local hospital. In Aceh, too, the security situation continued to deteriorate at the end of 2001.

30. Several other serious incidents have also occurred in other provinces and reports indicate that there are official plans to increase significantly the military presence in Aceh, Papua, Maluku, North Maluku, Kalimantan and Atambua. In December 2001, President Megawati Sukarnoputri expressed fear about the possible "break-up" of the nation. This might have the effect of encouraging the army to adopt tougher measures that could endanger respect for human rights. Indeed, plans for increased military presence have raised serious concerns about the manner in which conflicts among ethnic groups will be resolved, the treatment of civilians, and the extent to which internally displaced communities will be protected.

III. GOVERNMENT POLICY AND ASSISTANCE PROGRAMMES FOR INTERNALLY DISPLACED PERSONS

A. The role of Government and State institutions at the central and regional/local levels

31. The Government of the Republic of Indonesia recognizes its responsibility to provide assistance to internally displaced persons and has expressed a commitment to doing so. Several government officials emphasized to the Representative the need to provide assistance to those affected in a manner that does not create long-term dependency and drew his attention to a new policy which was then still being developed (see below). They also informed the Representative of the Government's commitment to put an end to the problem of displacement by the end of the year 2002. Officials consulted, in particular the Vice-President, invited the Representative to share his views about the situation in light of the anticipated policy, and to offer ideas on how the Government might address the problem. Given the increasing number of internally displaced persons in the country, the fact that the causes of displacement continued to be largely unaddressed and that there were no effective structures to deal with the problem, the Representative, while expressing appreciation of the goal of ending displacement, saw the target date as unrealistically ambitious.

32. The Representative strongly encouraged all relevant actors to define a clear policy to address the complex problems of internal displacement based on humanitarian and human rights standards, with due regard to the views of the internally displaced themselves. He advocated the use of the Guiding Principles on Internal Displacement, already available in Bahasa Indonesia, as a reference or framework for responding to the needs of the internally displaced and suggested that legislative, administrative and practical measures to give effect to the applicable international norms at the national level be adopted. The Government's interest in putting an end to the displacement problem in the country would only become reality if appropriate conditions were created for the displaced to return to their areas of origin, resettle in alternative areas, or integrate into the communities in which they were currently residing. These efforts should be combined with conflict prevention and conflict resolution initiatives at the community level and with effective medium- and long-term development programmes that aim at restoring self-reliance and the sense of dignity for the displaced.

33. In his discussions with national and provincial authorities, the Representative further emphasized the need to combine humanitarian assistance with protection, in particular of women and children. The violent clashes in Central Sulawesi between Muslim and Christian groups, for example, brought home once again the urgent need to ensure security guarantees and protection for the civilian population and to address the causes of the conflicts.

34. Various ministries and departments at the national and local levels reported that they were providing extensive assistance to internally displaced persons. Government departments implementing assistance programmes for the internally displaced include: the Department of Social Affairs, the Department of Health, the Department of Housing and Regional Infrastructure, and the Department of Manpower and Transmigration. There was, however,

general acknowledgement that there were serious gaps in performance, and that to address the problem in a more comprehensive and coherent manner the authorities needed to develop their capacity and expertise. The Government's response to the problem has been described as "complex and confusing", with a wide array of ministries and departments playing a role. The Government's national-level reorganization and a decentralization of power to the local level are adding to the lack of clarity regarding institutional responsibility and to existing problems of coordination.

35. National authorities cited the need for additional funding to cover more than the essential needs of the internally displaced. While exact figures were not available, a large percentage of the assistance to the internally displaced is reported to come directly from the Government's own resources, representing an important financial commitment at a time of regional economic crisis. The assistance provided by humanitarian organizations and the international community, albeit limited, is therefore greatly appreciated. United Nations agencies report that the assistance from national/international humanitarian and development organizations and from bilateral donors represents approximately one tenth of the overall assistance provided to the displaced. Several representatives of these organizations expressed their concern about the lack of a more coordinated approach and an official policy to address the problem of internal displacement.

36. The anticipated government policy on internal displacement was adopted not long after the conclusion of the mission (see appendix III). The policy statement addresses internally displaced persons and refugees (pengungsi)[13] jointly and it is not clear whether the differences between these two categories are recognized. The policy statement acknowledges that efforts to provide adequate solutions to the large problem of displacement in the country have not been successful; that the causes of displacement are linked to economic, cultural, political, security and social issues; and that coordination has been poor. Concrete proposals to "accelerate" the handling of the problem of the internally displaced and refugees focus on three "consecutive priority patterns", which implies their order of implementation:

(a) Pattern 1 (Return) - the uprooted are provided assistance and protection to return to their normal life. Returning to normal life, according to the policy, would mean that the displaced are assisted and protected in their attempt to return in peace. The "strong willingness" of the displaced themselves is stipulated as a necessary condition, and so is the readiness of the local communities to accept the returnees. Government officials are expected to facilitate the process by ensuring "security and comfort" reinforced by efforts of reconciliation. The required funding includes "stimulant assistance" to every returnee to renovate facilities and start a new life. The return process is to be implemented by the Ministry of Social Welfare and the local government.

(b) Pattern 2 (Empowerment) - provides the displaced with the opportunity to start a new life within an existing community, assisted and facilitated by the Government. This may take the form of employment, development of skills, or provision of capital to enable the displaced to "stand on their feet", in other words, to be self-reliant. The implementing agencies are the State Minister for Cooperatives and Small-Medium Enterprises, the Ministry of Manpower and Transportation and the local government.

(c) Pattern 3 (Resettlement) - by "insertion or local transmigration", the displaced are resettled on a new site. It is recognized that this will require a significantly higher budget to clear the land, build houses and public facilities, provide farming tools and equipment, and allocate a subsistence allowance for a specified period of time. The support of agriculture or plantation programmes is seen as particularly promising for the future of the displaced. The implementing agencies are the Ministry of Manpower and Transportation, the Ministry of Housing and Regional Infrastructure, and the local governments.

37. The Government expects these policies to be implemented with the assistance of several countries, international organizations, and United Nations agencies, which have already expressed their willingness to contribute. The "handling" of the problem is "expected to be completed" by the end of 2002. The programme is the responsibility of the governors of the affected provinces with technical coordination at the national level.

38. The information was shared with the Representative that responsibility for the overall coordination of related activities is formally to be assumed by the Coordinating Minister for People's Welfare through Bakornas PBP; the delivery of assistance to internally displaced persons in the provinces will be carried out by the Executive Coordinating Units for Disaster Management and the Handling of Internally Displaced Persons (Satkorlak PBP), which are headed by the respective provincial governors, and in the regencies or districts by the Executive Units for Disaster Management and the Handling of Internally Displaced Persons (Satlak PBP), headed by the respective regents/majors.

39. Notwithstanding the expansion of the mandate of Bakornas PBP to assist internally displaced persons early in 2001, concerns were raised by several representatives of the international community about the lack of an official institution with sufficient authority and direct responsibility to develop effective policies for the delivery of assistance to the internally displaced in a coordinated and comprehensive manner. It was also the impression of the Representative that at the time of the mission, there was a general lack of understanding of government policy on the part of the technical staff of Bakornas PBP - an aspect that is expected to change now that it has been formally decided that the implementation of the new policy falls under the direct responsibility of the Coordinating Minister for People's Welfare. Local actors consider the capacity of Bakornas PBP to assume its new responsibilities limited and in need of strengthening. They also consider it limited in its capacity to collect information and produce disaggregated data - in particular data on internally displaced women, children, and other groups with special needs, which would be a useful tool for policy-making and programming. As concerns the delivery of humanitarian assistance to internally displaced persons, there has been some cooperation between local officials and humanitarian organizations, but there has been less coordination of efforts between Bakornas PBP and the international community. Strengthening this coordination will need to be explored within the framework of the recently adopted policy.

40. It should also be noted that the Government of the Republic of Indonesia adopted in June 1998 a national human rights plan of action as a follow-up to the World Conference on Human Rights held in Vienna in 1993. The plan expresses the commitment of the Government to the promotion and protection of the human rights of the people of Indonesia, and it was

adopted almost at the time when the phenomenon of internal displacement began. Internally displaced persons, however, have so far not benefited from activities envisaged in the plan, including the ratification of international human rights treaties and the promotion of a culture of human rights through training and information activities. In the same way, internally displaced persons seem not to have directly benefited from the activities carried out by the Indonesian National Commission on Human Rights (Komnas Ham), which is mandated to investigate allegations of human rights violations and has been involved in the investigation of incidents in which the outbreak of violence resulted in deaths and destruction of property, such as those that occurred in Papua on 6 and 7 October 2000. On that occasion the Commission publicly reported its findings and urged the relevant authorities to ensure the respect for human rights by parties to the conflict, and called for the prosecution of those responsible in accordance with the law. Komnas Ham has also been involved in conflict-resolution initiatives at the local level.

B. The role of the international community

41. In the text of the recently adopted national policy, the Government acknowledges the willingness of the international community to assist in addressing the problem of internal displacement; however, consultation mechanisms to explore avenues of cooperation have, so far, not been put in place. The role played by the international community, in particular the United Nations, in establishing an effective dialogue with relevant authorities to respond to the needs of the internally displaced has been very limited, even though a variety of humanitarian organizations are directly engaged in the delivery of assistance to the internally displaced in different parts of the country (see below on the 2002 Consolidated Inter-Agency Appeal for Indonesia).

42. Assistance provided by international organizations for internally displaced persons includes emergency relief, food, shelter, facilitation of basic health services, empowerment initiatives, infrastructure, agriculture, education and training in technical skills, reproductive rights and HIV/AIDS information campaigns, peace and reconciliation efforts, environmental and development projects, economic activities and other initiatives. Several humanitarian organizations are also engaged in assisting local initiatives likely to produce durable and sustainable services and in efforts to strengthen local NGOs, local authorities and communities.

43. OCHA has the responsibility of supporting the United Nations Humanitarian Coordinator in conducting humanitarian assessments and coordination functions in responding to humanitarian emergencies. One of the initiatives it has undertaken has been the collection of data and information on the conditions of internally displaced persons in several provinces and in Jakarta. Based on this information, as well as other sources, OCHA produces a weekly situation report, which includes general information on various provinces and a summary of the main assistance provided by humanitarian agencies. These reports, which have become an important early warning and contingency planning tool, are disseminated among relevant humanitarian actors at the national and international levels and can be found on the OCHA web site (*http://www.ocha.org*) or through the relief web site (*http://www.reliefweb.org*). OCHA also plays an active coordinating role among United Nations agencies, and with NGOs, the Red Cross movement, the Government of Indonesia, donors, and other members of the humanitarian community with regard to the internally displaced. In 2001, it sent at least two missions to

Kalimantan to look into the impact of the Dayak-Madurese conflict, particularly as it related to internally displaced persons. In addition to the Jakarta-based office, for the year 2001/2002, OCHA has identified the need to establish or maintain a field presence in Aceh, Ambon, Ternate, Kupan and Jayapura, mainly to facilitate the coordination of the humanitarian assistance, but also to conduct regular monitoring of the humanitarian situation through routine assessments.

44. Most important is the elaboration of the 2002 Consolidated Inter-Agency Appeal for Indonesia focused on internally displaced persons and host communities. Indeed, the recent consultative process for the Appeal, which was coordinated by OCHA, presented an important opportunity for international non-governmental actors and relevant government authorities to coordinate their efforts to improve local services at the community level. The 2002 Appeal contains programmes for displaced persons uprooted by conflict from the provinces of Aceh, West Kalimantan, Central Kalimantan and Madura, Central Sulawesi, Malukus and Papua and for their host communities. Given the tensions between internally displaced populations and their host communities in a number of areas, the broad focus of the Appeal is valuable. The Appeal also includes initiatives for contingency planning in case of future emergency situations in areas with ongoing conflicts. The 2002 Appeal, totalling about 41 million dollars to assist the 1.3 million displaced persons includes programmes to be implemented by 7 United Nations agencies (FAO, OCHA, UNDP, UNFPA, UNICEF, WFP and WHO) and 10 international NGOs (Save the Children UK, CARE International Indonesia, Church World Services, Consortium for Assistance to Refugees and the Displaced in Indonesia, World Vision International - Indonesia, Health Net International, International Catholic Migration Commission, International Relief and Development, Mercy Corps, International Medical Corps). Previous appeals focused on specific crises in Indonesia, such as for East Timorese refugees in West Timor (June 2000) and for internally displaced in the Malukus (April and November 2000). A separate appeal, for about 43 million dollars to cover the needs of the refugees in West Timor, was also issued by the Government, in collaboration with eight United Nations agencies and the International Organization for Migration (IOM). The International Federation of Red Cross and Red Crescent Societies also issued an appeal early in December 2001, which includes assistance for victims of violence, especially displaced and resident populations whose livelihoods or family contacts have been disrupted by fighting.

45. The Appeal document makes reference to the fact that both the Government and the international community recognize the lack of national capacity and resources to respond adequately to the problem of internal displacement, as well as to the need for a more comprehensive and coordinated approach.

46. The Representative was pleased to see important protection initiatives included in the Consolidated Appeal, such as a programme to strengthen the local capacity for the protection of children's rights in five provinces which would be implemented by UNICEF in cooperation with an umbrella organization and with the active participation of children throughout the planning and implementation process. Another important initiative is an advocacy campaign to raise awareness in risk areas to the dangers of trafficking in women and children, which is aimed at sensitizing government officials, religious leaders, community workers and social workers. In addition to emergency relief assistance and basic services such as shelter, health care, non-food items, safe water, sanitation and education, other initiatives to be carried out include

peace-building and conflict resolution activities, life skills education for internally displaced children, training of child's rights advocates, increasing self-reliance of vulnerable groups, HIV/AIDS awareness, and access to reproductive health services and information. However, the protection activities envisaged as part of the comprehensive strategy of the Consolidated Appeal amount to only 1.71 per cent of the overall request, and focus primarily on children.

47. This makes OCHA's support for outreach programmes to publicize the Guiding Principles on Internal Displacement and the *Handbook for Applying the Guiding Principles*, both of which have been translated into Bahasa, particularly important. The actual campaign will be carried out by OXFAM and the local Indonesian organization Baris Baru. Its objective will be to increase the visibility of the rights of the internally displaced and the obligations of Governments towards these populations, and to promote dialogue on humanitarian norms and principles among local government officials, NGOs, media, internally displaced persons and host communities.

48. At present, UNHCR is currently not involved in assisting or protecting internally displaced persons in Indonesia. Yet, the large and growing number of internally displaced persons in the country and the organization's mandate to protect uprooted populations could justify its involvement, as has been the case in other parts of the world. The explanation for its not getting involved seems to be the lack of an explicit request to the organization by the Government or by any United Nations organ. Nonetheless, UNHCR is engaged in an important and directly relevant training programme on humanitarian, human rights and refugee law aimed at law enforcement officials.

49. OHCHR had been engaged in providing technical assistance to the Government of Indonesia, within the framework of the Government's National Plan of Action on Human Rights.[14] Of the international organizations on the ground, protection issues fall to ICRC, which is active in Aceh, UNICEF, which has programmes planned for the protection of children and women, and the Humanitarian/Resident Coordinator, who should serve as the focal point to promote both protection and assistance for internally displaced persons.

IV. CONCLUSIONS AND RECOMMENDATIONS

50. The displacement situation in the Republic of Indonesia, the current problems facing the displaced populations, how these problems are being addressed, and the challenges confronting the country in addressing the displacement crisis are compounded by the fact that the crisis of internal displacement is relatively new to the country. It is a problem of significant magnitude and complexity, owing to the number of different situations of internal displacement. There are obvious differences in the challenges posed by "vertical" conflicts and "horizontal" conflicts, the consequences resulting from them, and the response to displacement resulting from these two types of conflict varies with the context. In the horizontal conflicts, to which the Representative had some access, it can be said as a general comment that the Government recognizes its responsibility for assisting its displaced populations, with the cooperation of the international community, although access to the displaced population is sometimes a problem and protection concerns are not adequately addressed.

51. With the Government recognizing its responsibilities and inviting or welcoming international assistance - the effect of combining respect for national sovereignty while affirming the responsibilities implied by State sovereignty - bona fide comments and recommendations should be seen by the Government and all concerned as honest and constructive efforts to facilitate international cooperation towards the shared objective of assisting and protecting the needy populations of Indonesia. The comments and recommendations offered in this concluding section of the report largely build on the observations and findings of the Representative's six-day mission. The time constraint necessarily limited the scope and depth of understanding of a situation widely acknowledged to be very complex. It is to be hoped, however, given the intensity of the discussions held during the mission and the comparative background supplied by the displacement situations previously studied by the Representative, that these conclusions and comments may assist in the collective task of seeking appropriate solutions to the displacement crisis in the country.

52. The specific challenges confronting the Government of Indonesia and its national and international partners are how to respond to the current needs of the internally displaced populations while accelerating the implementation of its policy, which aims at ending the displacement problem altogether by the end of year 2002. Both present daunting difficulties that will demand a great deal of coordinated actions from both the Government and its partners.

53. Although, as noted above, the Representative was unable to visit the areas of "vertical" conflicts in Aceh and Papua and visited only one of the areas of "horizontal" conflict, judging from other situations where Governments are confronted with insurgents demanding various forms and degrees of autonomy, or full independence, the challenges presented by these two sets of conflicts vary significantly. In localized, horizontal conflict between different ethnic and religious groups, the Government has the potential to play the role of a neutral and moderating factor, which could ensure an even-handed provision of protection and assistance. Displaced populations caught in the cross-fire of conflicts between the Government and insurgents, however, face serious problems of assistance and, especially, protection, since they are liable to be viewed with suspicion by both parties to the conflict and access to them denied to humanitarian assistance organizations. The concerns of the displaced in these areas are especially compelling and need to be addressed in accordance with humanitarian law.

54. But even in horizontal conflicts, security forces may be too influenced by the identity dynamics of the conflict to maintain strict impartiality. It is critical for national military and police forces to provide protection for all civilians, and in an even-handed manner. In addition, adherence to strict discipline in the security forces and decisive and firm and sustained action against impunity should be high priorities.

55. While the internationally accepted standards for protecting and assisting displaced populations are enshrined in various international instruments, the Guiding Principles on Internal Displacement were developed to focus on the specific needs of the displaced and to guide the actions of all concerned in providing them with protection and assistance. Their dissemination, promotion and application should therefore be a central element in the response to the crisis.

56. Initially, the mission of the Representative of the Secretary-General was planned to take place in conjunction with a seminar on internal displacement in Indonesia. Although the mission had to be postponed because of compelling and unavoidable circumstances, the seminar was held as scheduled. The mission benefited considerably from the results and recommendations of the seminar.

57. A major recommendation of the seminar was for the creation of a national commission on internally displaced persons and community recovery. The commission would bring together representatives of civil society, non-governmental organizations and international organizations to work in collaboration with Bakornas PBP, the government agency responsible for the displaced. During the mission, it was explained to the Representative that the creation of such a commission was still under consideration, would have to wait until the Government's own structures had been consolidated within the emerging policy. Given the wide support the idea initially received, including from elements in the Government, the recommendation merits further consideration. In the interim, the Government could consider the establishment of national and provincial institutional mechanisms, in the form of commissions or committees composed of government officials working in close collaboration with the authorities directly responsible for internal displacement at the national and provincial levels, including those responsible for security matters and, of course, with representatives of Bakornas PBP, Satkorlak PBP, as well as the Indonesian National Human Rights Commission. Such commissions or committees should work together with non-governmental groups, international organizations and displaced communities. These bodies could greatly assist in the monitoring of developments in conflict areas, address security concerns and facilitate the granting of safe access to internally displaced persons by humanitarian workers.

58. Another issue highlighted by the seminar, and which remains a priority, is the need for a more systematic way of gathering and managing information on internal displacement throughout the country. The seminar recommended that guidelines be developed to strengthen and improve the collection, compilation and verification of data on internally displaced communities and others in need. It also recommended that the Government consider designating information focal points at the provincial, district and sub-district levels (Satkorlak, Satlak and Kecamantan) and at the national level (Bakornas PBP). The national-level focal point would compile the data from various levels of government and create an overall picture of the situation of internal displacement in the country. Given the central role of Bakornas PBP, it could assume the national responsibility for improving efforts to gather data and, in particular, the establishment of a central information bank on the internally displaced, with particular attention to women and children.

59. Providing protection and assistance to the displaced in the politically sensitive areas of "vertical" conflict calls for particular vigilance on the part of the authorities. Initiatives to ensure the protection of the displaced as well as the affected local populations in these areas are needed. In addition to expanded access by humanitarian agencies and workers to the people at risk, the seminar called for the establishment of "peace zones", or, alternatively, the negotiation of "safe passages" or ceasefires.

60. The task of providing protection and assistance to the internally displaced is a challenging one that calls for collaboration among many actors. Experience in other countries has demonstrated that in armed conflict situations where Government and intergovernmental agencies have little or no access, the role of non-governmental organizations becomes critical. Representatives of these organizations, by virtue of their close contact with the displaced populations, are well placed to document and report on violations of human rights and humanitarian principles. Consequently, it is important to maintain close consultations and partnerships with NGOs at both the central and provincial/local level, in particular for the planning and delivery of assistance. Indeed, in problem areas the Government should allow for, and encourage, the presence of international organizations and NGOs that can, sometimes by their mere presence as witnesses, sometimes offer protection. Ironically, however, such staff are often targeted by both sides to the conflict. One recalls with sorrow the killing of UNHCR staff in East Timor by "militias". In order to deter such acts the Government should effectively prosecute those who commit abuses against humanitarian workers. The initial sentence of 10-20 months given to the six East Timorese militiamen reportedly involved in the killing of the UNHCR staff occasioned strong expressions of concern from the United Nations Secretary-General, with which the Representative concurs.[15]

61. Humanitarian actors should be seen, and should see themselves, as allies rather than adversaries. Representatives of NGOs should be encouraged to report violations of human rights to the authorities and seek remedial responses and preventive measures against further violations without fearing repercussions. Indeed, it should be understood that if national authorities are not responsive to their concerns, human rights and humanitarian personnel will bring violations to the attention of the international community, including through established international human rights mechanisms.

62. The existence of accepted normative standards for protecting and assisting the affected populations should guide and reinforce the adoption of appropriate policies, strategies and action programmes on their behalf. The Guiding Principles on Internal Displacement have been widely accepted as persuasive norms. Although themselves are not legally binding, they restate existing principles of humanitarian law, human rights law, and analogous refugee law applicable to the internally displaced. A number of countries affected by the problem of internal displacement have adopted legislative, administrative and operational measures in accordance with the Guiding Principles and relevant international instruments. It is recommended that the Government of Indonesia provide training in the Guiding Principles, which are already available in Bahasa, and in basic international humanitarian and human rights law for the displaced themselves, for the relevant authorities, including law enforcement and military forces, and for local partners. The Guiding Principles should further be studied by the Government as a framework for policy and law in Indonesia. The Jakarta seminar held before the mission called for the wide dissemination and use of the Guiding Principles as a framework for the Government and all those involved with protecting and assisting the internally displaced.

63. An obvious point, which the Representative has repeatedly emphasized, is that while the internally displaced are a particularly vulnerable group by virtue of having been uprooted, protecting and assisting them should not be perceived as favouring them over other populations in similar situations. On the contrary, the internally displaced represent a microcosm of the

wider community affected by the same circumstances - internal conflicts, communal violence and gross violations of human rights. It is therefore important to cater not only for the needs of the displaced, but also for those of the host communities, host families and others in comparable situations of need. Failing to do so can only cause jealousies and conflicts.

64. It is also important to realize that the collaborative approach to addressing the needs of the internally displaced calls for cooperation among various governmental, quasi-governmental and non-governmental agencies within a country. In this connection, the Indonesian Commission on Human Rights (Komnas Ham), whose Chairman and one member of whose board the Representative met, should begin to pay particular attention to the situation of internally displaced persons and the needs of civilian population in conflict situations. Komnas Ham should ensure that when it investigates allegations of human rights violations, its findings are reflected in its annual human rights evaluation report. Komnas Ham should also include in its educational and public awareness activities applicable international human rights and humanitarian norms, among them the Guiding Principles on Internal Displacement. In addition, Komnas Ham should actively encourage the Indonesian Government to ratify the international human rights and humanitarian instruments relevant to the protection and promotion of the human rights of all people in Indonesia, including the internally displaced.

65. The partnership for protecting and assisting the internally displaced goes beyond the mandates of the national actors. Given the magnitude of the crisis and the resources, both human and material, needed for an effective system of response, the role of the international community is crucial and must take into account the need for protection as well as assistance. So far, the response of the international community has been largely limited to humanitarian assistance and, to a lesser extent, development aid while expanding the assistance programme, the international community should assist the national authorities in discharging their responsibility to protect their internally displaced populations and others in need of protection. OCHA's missions to Kalimantan and the inclusion of some, albeit limited, protection activities in the 2002 Consolidated Inter-Agency Appeal for Indonesia are important examples of the type of protection activities, that need to be built upon. As the official responsible for the coordination of an effective United Nations response to the problem of internal displacement, the Humanitarian/Resident Coordinator, with the direct and active support of OCHA, should seek to establish a constructive dialogue with relevant national authorities to respond to the crises of internal displacement in the country in a comprehensive manner, inclusive of both the protection and humanitarian assistance needs of the internally displaced in accordance with the relevant international humanitarian and human rights norms.

66. As part of the comprehensive plan presented in the 2002 Consolidated Appeal for Indonesia, the international community should seek to strengthen its coordination process, with the participation of the main United Nations humanitarian and development agencies, the International Committee of the Red Cross and non-governmental organizations. Given the useful experience of the UNHCR, which is highly relevant to the needs of the internally displaced, consideration should be given to UNHCR's playing a role in assisting and protecting internally displaced populations, especially in the return process. Consultation and interagency coordination mechanisms should be established by the Humanitarian Resident Coordinator, with the support and assistance of OCHA, and its new IDP Unit.

67. Humanitarian and development agencies implementing programmes for internally displaced persons should ensure that a rights-based approach is used in the design, implementation and evaluation of all humanitarian and development programmes. Advice in this regard should be sought from United Nations agencies with expertise in this area, in particular the Office of the High Commissioner for Human Rights, which itself should consider playing a more active role with regard to internally displaced persons in Indonesia. All United Nations staff working with internally displaced persons should be trained in the use and application of the Guiding Principles, as well as in basic human rights and humanitarian law.

68. A comprehensive strategy should be developed and implemented to enhance the role of the international community in the protection of the internally displaced and the civilian population in conflict areas in general. Such a strategy should consider assessing the possibility of maintaining a presence in communities threatened with displacement and in areas with internally displaced persons, and ensuring safe access by humanitarian workers to areas in conflict. In this connection, OCHA should work together with Bakornas PBP in the assessment of specific situations and in the design of contingency plans, given the risk of escalation of conflicts. Efforts towards building the technical capacity of the national and provincial authorities to deal with the problem of internal displacement, including for conflict prevention and resolution, should be supported.

69. Perhaps the most important aspect of the displacement crisis in Indonesia and the resolute manner in which the Government is responding to the challenge is the newly launched policy and strategy on ending displacement. The three options return, empowerment and resettlement, are not only realistic in principle, but also indicative of the seriousness of the intention of the Government to find durable solutions to the crisis. But while the Representative fully supports the goals of the policy, the time frame and the methods that may be adopted to implement the policy require serious reflection and consideration. For example, the premature withdrawal of food assistance could cause hardship in a number of cases and interfere with the voluntary nature of solutions. Given the resources - human as well as material - that will be needed to implement the policy and the political and intercommunal tensions which persist in a number of areas, ending the displacement problem by the end of 2002 in a manner that is respectful of human rights and humanitarian principles, as restated in the Guiding Principles, may be overly optimistic.

70. In this connection, it is critically important that consultations be carried out with the displaced populations in order to identify and better understand their needs as well as their preferences among the three options. In particular, when returning to their places of residence is not possible, resettlement or integration within existing communities may be better understood if affected people have taken part in the decision-making process. The active involvement of the displaced in the development of the programmes affecting them would also help to avoid costly initiatives that have little positive impact, as was the case with the relocation site at Sungai Asam where a large number of houses were built, but few displaced families have agreed to move.

71. If the resettlement programme is to succeed, the relocation sites must be made attractive to the displaced. This would require heavy investments in infrastructure, self-reliant economic activities and opportunities for growth and development, as well as the close involvement of the displaced; they cannot be expected to be enthusiastic about plans drawn up without their input,

even though the goal is to meet their needs. A successful resettlement programme that meets international standards would likely require resources beyond the capacity of the Government to provide. The international community must therefore make up the shortfall.

72. Special attention should also be paid in return and reintegration to the special needs of women and children, in particular on access to the education system, free of charge. The Ministry of Women Empowerment should take an active part in assistance and protection programmes for women and children, with the technical assistance of United Nations bodies, specialized agencies or bilateral donors.

73. The safety concerns of the returning or resettling populations must also be addressed. In this connection, there is a need for a national and international presence in order to address potential problems in these areas. It might also be instructive to study earlier relocations under the transmigration policy and identify the lessons learned so that potential conflicts between different ethnic and religious groups can be averted. Conflict resolution programmes to bring groups together should also be an integral part of the return and resettlement process.

74. It is reassuring that the policy recently adopted by the Government aims at addressing the root causes of displacement. This means not only meeting the humanitarian needs of the populations affected by conflicts, but also finding solutions to the conflicts that generate displacement. In this connection, it is worth noting that during the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance the Government of Indonesia[16] acknowledged that the riots and communal conflicts that had broken out in some parts of the country had an ethnic and religious connotation frequently associated with human rights abuses. It expressed its determination to address the root causes of domestic conflicts arising from racial, ethnic or religious differences in a multicultural, multi-ethnic and multilingual society, and to promote the values of tolerance and mutual respect among the different ethnic and religious groups through education programmes and reconciliation dialogue.

75. The Representative has persistently made the point that in working towards solutions to situations of displacement, there is an opportunity, and indeed a need, for Government and other pertinent actors to address not only the situation of the internally displaced population, but also the root causes of the conflicts that displaced them. In Indonesia, there is an urgent need to ensure that ongoing tensions are controlled in order to prevent conflicts from spreading and new conflicts from erupting. In the Declaration adopted at the Durban Conference, Member States recognized that, among other factors, racism, racial discrimination, xenophobia and related intolerance contribute to forced displacement and the movement of people from their places of origin.

76. It should also be noted that the Durban Programme of Action urges States to take effective steps to protect internally displaced persons from violence, in particular violence against women and girls, to investigate any such violation and to bring those responsible to justice, in collaboration, when appropriate, with the relevant and competent authorities. The Programme of Action further encourages the bodies, agencies and relevant programmes of the United Nations system and States to promote and make use of the Guiding Principles on Internal Displacement, particularly those provisions relating to non-discrimination.

77. To conclude, the Representative has often noted that his most effective missions are to countries in which the Government admits the problem of internal displacement and seeks the cooperation of the international community to find remedies. Missions would have no purpose or positive outcome where there is total denial of the existence of the problem, where access is denied, or where the problem is viewed as so overwhelming that pessimism discourages efforts to address it. From this perspective, the mission to Indonesia took place at an opportune time. The crisis of displacement, though new, had rapidly assumed major proportions. The Government had acknowledged the problem and had resolved to bring it to an end in the shortest possible time with the assistance of the international community. It is important now that the Government work closely with displaced communities and local and international partners in designing solutions and that it extend full access to humanitarian agencies. It is also important that the international community respond positively to this challenge, and, in consultation and partnership with the Government of the Republic of Indonesia, ensure that the current needs of the internally displaced for protection and assistance are effectively addressed. It is, however, also vitally important that the objective of ending displacement in the shortest possible time be pursued with due regard to the aspirations of the people, that appropriate conditions for their return or resettlement be created, that their integration into existing communities be genuinely empowering, and that in implementing the respective "patterns", the overriding values of human dignity are respected and supported.

Notes

[1] Initial report of Indonesia to the Committee against Torture (CAT/C/47/Add.3), 16 July 2001.

[2] *An Official Handbook - Indonesia 2000*, Department of Information, National Communication and Information Board, Republic of Indonesia.

[3] The National Coordination Agency for Disaster Management and the Handling of Internally Displaced Persons, established on 9 January 2001 by Presidential Decree No. 3/2001.

[4] Created by Presidential Decree No. 50/1993 on 7 June 1993, Komnas Ham is a member of the International Coordinating Committee of independent national institutions that groups national institutions for the promotion and protection of human rights which have been established in accordance with the Paris principles.

[5] Act of the Republic of Indonesia No. 15 of 1997 on Transmigration Matters, *Official Handbook - Indonesia 2000*.

[6] W. Courtland Robinson, "Development-induced displacement: causes, consequences and concerns for the international community", paper prepared for The Brookings-CUNY Project on Internal Displacement, 2002 (forthcoming).

[7] United States Committee for Refugees, "Shadow plays: the crisis of refugees and internally displaced persons in Indonesia", January 2001.

[8] National policy on the handling of internally displaced persons/refugees in Indonesia, government policy document issued by the Coordinating Minister for Social Welfare, 18 October 2001. Unofficial translation provided by OCHA.

[9] Consolidated Inter-Agency Appeal 2002 for Internally Displaced Persons in Indonesia launched on 27 November 2001.

[10] Ibid.

[11] Exchange rate on 21 January 2002 (1.00 United States dollar equivalent to 10,434.81 Indonesian rupiahs).

[12] By December 2001, the food assistance was to have stopped although several provinces have asked the Government for permission and the funds to continue for another three to four months.

[13] The term pengungsi in Indonesian is used for both internally displaced persons and refugees. The term "internal pengungsi or internal refugees" is sometimes used to specify that it refers to internally displaced persons.

[14] A memorandum of understanding was signed by OHCHR and the Government of Indonesia on 13 August 1999. During 2001, the High Commissioner for Human Rights continued discussions with the Government, in particular the Ministry of Justice and Human Rights, on a technical cooperation project to support the administration of justice regarding human rights-related criminal proceedings.

[15] Subsequently, the Supreme Court of Indonesia increased the sentence of three of the convicted men to 5-7 years' imprisonment. OCHA, consolidated situation report No. 60, 18-25 January 2002.

[16] Statement by H.E. Mr. Yusril Ihza Mahendra, Minister of Justice and Human Rights of the Republic of Indonesia, 2 September 2001.

Appendix I

MAP OF INDONESIA

Appendix II

INTERNALLY DISPLACED PERSONS IN INDONESIA, BY PROVINCE

Province	Households	Persons	Place of origin
Maluku	51 551	300 091	Local
North Maluku	33 268	166 318	Local
East Java I	39 981	165 732	Sambas, Tim-Tim, Ambon, Aceh, Irja, Kalteng, Maluku
South-east Sulawesi	32 513	161 226	Maluku, Tim-Tim, Poso, Sambas
Nusa Tenggara Timur	29 178	143 803	Tim-Tim
Central Sulawesi	19 507	78 038	Poso
West Kalimantan	11 255	58 544	Sambas
North Sulawesi	11 945	47 780	Maluku, Maluku Utara, Poso
D. I. Aceh	13 587	54 349	Local
North Sumatra	10 635	50 947	D.I. Aceh
South Sulawesi	9 023	36 104	Tim-Tim, Poso
Irian Jaya	4 027	16 600	Maluku, Maluku Utara, Wamena
Nusa Tenggara Barat	3 078	14 166	Tim-Tim, Maluku, Kalbar, Irja Poso
Central Java	2 788	11 799	D.I. Aceh, Tim-Tim, Kalbar, Maluku, Irja, Sulawesi
West Java	2 363	9 275	D.I. Aceh, Tim-Tim, Kalbar, Maluju, Irja, Sulawesi
Riau	762	3 135	D.I. Aceh
Bali	751	2 974	Tim-Tim
Jambi	519	2 103	D.I. Aceh
South Sumatra	425	1 700	D.I. Aceh
Total	277 156	1 324 676	

Source: Bakornas PBP, 5 September 2001.

Appendix III

NATIONAL POLICIES ON THE HANDLING OF INTERNALLY DISPLACED PERSONS/REFUGEES IN INDONESIA[a]

1. Introduction

Various conflicts in our homeland since the multidimensional crisis and the struggles for reform have resulted in waves of IDPs/refugees[b] being dispersed throughout Indonesia.

The numerous efforts by the central/local government, together with the Indonesian people and international community have until now failed to provide adequate solutions. Concurrent with the improving of the social and political situation of the nation and the moving forward of the economy, it is felt that now is the appropriate time to immediately finish the management of IDPs/refugees in Indonesia.

It is necessary to find breakthroughs, without sacrificing humanitarian principles, to immediately end the problems of IDPs/refugees.

2. Current conditions

The total number of IDPs/refugees, present in 20 provinces, is 286,944 families or 1,337,503 persons, according to the reports of the governors in their capacity as the heads of the Executive Coordinating Unit for Disaster Management and the Handling of IDPs (Satkorlak PBP). The number is changing all the time and tends to increase.

The huge number of IDPs/refugees in turn has created other, more complex problems. It is deemed necessary to sharpen the preventive and remedial efforts, to be conducted in a synergic and coordinated way, accompanied by firm actions.

The majority of IDPs/refugees are sheltered in emergency tents, barracks, dormitories, meeting halls, stadiums, and other public facilities. The rest stay in homes of families or their own accommodation. The Government and the people have provided emergency assistance for almost three years, in the form of food, clothing, shelter (barracks/tents), medicines and health services, clean water, sanitation, educational and religious services, etc.

Although the Governor, as head of the Satkorlak PBP, is entrusted with full responsibility for handling the problems, the central Government continues to provide special assistance, including food and shelter from the Ministry of Social Welfare; medicines and health services from the Ministry of Health; emergency shelter, clean water, sanitation, building materials as stimulants, and infrastructure at relocation sites from the Ministry of Housing and Regional Infrastructure; construction aid and new relocation facilities, including allowance money, from the Ministry of Manpower and Transmigration; as well as other programme or activity assistance from other government ministries or offices. Meanwhile, the local government may also explore and receive assistance from the communities and from national and international organizations.

3. Current problems

The handling of IDP/refugee problems has become more complex. It is not only a humanitarian concern, but also linked to political, economic, social, cultural, religious and security affairs. The longer the IDP problem remains unsolved, the more complex it will become, and in the end it will threaten the government process and national development. Disharmony and lack of coordination among government officials, on the other hand, and between them and national and international organizations, and community potentials, have caused moral and material lost opportunities.

Jealousy and dissatisfaction between IDPs/refugees and local communities have occurred, caused by a feeling of injustice, which tend to cause new problems and conflicts. These must be avoided and eliminated.

A sizeable amount of funds has so far been disbursed, along with time and energy, which should be used for other poor communities, who represent a larger percentage.

4. Policies and strategy

National policies

Accelerating the handling of IDPs/refugees is done through 3 (three) consecutive priority patterns with IDPs/refugees in the shelter sites, as follows:

Pattern 1 (Return): To return the IDPs/refugees to their normal life, which means the IDPs/refugees return to their places of origin in peace. This can be achieved with a strong willingness on the part of the IDPs/refugees, the readiness of the local communities to accept their return, and facilitation support by the Government. The most important effort needed to achieve this is to create a feeling of security and comfort, as well as the strengthening of reconciliation guided by relevant government officials. Necessary funding includes stimulant assistance for every IDP/refugee to restart his life and renovations of facilities in their places of origin. Implementers: Ministry of Social Welfare, local government.

Pattern 2 (Empowerment): To give the IDPs/refugees opportunity to start a new life within an existing community, with assistance and facilitation from the Government, whether in terms of employment or facilities to make it easier for them to earn a living. It is necessary to provide the IDPs/refugees with skills or capital to enable them to stay on their feet. Implementers: State Minister for Cooperatives and Small-Medium Enterprises, Ministry of Manpower and Transmigration, local government.

Pattern 3 (Resettlement): To resettle the IDPs/refugees to a new site through a relocation programme, by insertion or local transmigration. This will require a significantly higher budget to clear land, build houses, build public facilities, provide farming tools and equipment, and an allowance for a period of time. A pattern supported by agricultural or plantation programmes has a very good prospect for the IDPs/refugees in the future. Implementers: Ministry of Manpower and Transmigration, Ministry of Housing and Regional Infrastructure, local government.

The handling of IDPs/refugees is expected to be completed by the end of December 2002.

Management strategy

In principle, the handling of IDPs/refugees is to be conducted and is the responsibility, through a "one-gate" policy, by the Governors as heads of Satkorlak PBP in their respective provinces. If several provinces are affected, then efforts will be facilitated by Bakornas PBP. The technical ministries/offices at the central level, through the coordination of Bakornas PBP [National Coordination Agency for Disaster Management and the Handling of Displaced Persons], will act as the Technical Manager/Supervisor in their respective sectors.

The aim is to terminate assistance in the form of rice and side-dish money by the end of December 2001, and to empty emergency barracks/shelters in accordance with the implementation of Patterns 1 and 2.

5. Budget

To implement the above-mentioned programmes a budget is needed to achieve all its objectives, which would need to be flexible to suit the conditions of the different regions.

The estimated budget cost for the handling of IDPs/refugees according to Patterns 1, 2 and 3 in the main areas is attached.[c]

Several countries, international organizations and United Nations agencies are willing to assist this programme.

6. Closing

Through the above policies and strategy, it is hoped that the fundamental handling would end the problem of IDPs/refugees. Follow-up guiding efforts will be implemented through usual channels of various government programmes to enrich the life of the people toward a better, prosperous living.

Notes

[a] Document included in the United Nations 2002 Consolidated Appeal for Indonesia. Government policy document issued by the Coordinating Minister for Social Welfare, Yusuf Kalla, on18 October 2001. Unofficial translation provided by OCHA.

[b] The Indonesian term pengungsi is used to signify both internally displaced persons and refugees.

[c] Not attached to document received by OCHA.